

109TH CONGRESS  
1ST SESSION

# H. R. 1124

To eliminate the annual operating deficit and maintenance backlog in the national parks, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 3, 2005

Mr. SOUDER (for himself, Mr. BAIRD, Mr. BOEHLERT, Mr. ENGLISH of Pennsylvania, Mr. FORD, Mr. GRIJALVA, Mr. LEWIS of Georgia, Mr. PLATTS, Mr. REICHERT, Ms. ROS-LEHTINEN, Mr. CUMMINGS, Mr. UDALL of Colorado, Mr. EHLERS, Mr. KILDEE, Mr. MICHAUD, Mrs. CAPITO, Mr. SCHWARZ of Michigan, Ms. MCCOLLUM of Minnesota, Mr. DUNCAN, Mr. SNYDER, Mr. JENKINS, Ms. BORDALLO, and Mr. RENZI) introduced the following bill; which was referred to the Committee on Resources, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To eliminate the annual operating deficit and maintenance backlog in the national parks, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

### 3   **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “National Park Centen-  
5       nial Act”.

1 **SEC. 2. FINDINGS AND PURPOSE.**

2 (a) FINDINGS.—Congress finds the following:

3 (1) The National Park Service was established  
4 to conserve the national parks, their scenery, natural  
5 and historic objects, and wildlife for public enjoy-  
6 ment, in such manner and by such means as will  
7 leave them unimpaired for the enjoyment of future  
8 generations.

9 (2) The central purpose of the establishment of  
10 our national parks is being challenged by chronic  
11 funding shortfalls, which have created annual short-  
12 falls in operational funding that exceed  
13 \$600,000,000, and have amassed a maintenance  
14 backlog estimated by the General Accounting Office  
15 at between \$4,080,000,000 and \$6,800,000,000.

16 (3) Without providing the Park Service the re-  
17 sources necessary to operate and maintain our na-  
18 tional parks, future generations will—

19 (A) receive diminished visitor services;

20 (B) experience a continually weakening  
21 system that is less and less able to fulfill its  
22 mission; and

23 (C) inherit a National Park System that  
24 has been left to them in worse condition than  
25 it was left to their ancestors.

1           (4) The annual Congressional appropriations  
2       process has proved insufficient to fully address the  
3       debilitating funding shortfalls of the national parks,  
4       making it necessary to supplement what the appro-  
5       priations process is able to accomplish.

6           (5) It is necessary to ensure that fiscal re-  
7       sources devoted to the national parks are spent wise-  
8       ly and effectively, making strong congressional over-  
9       sight over annual appropriations extremely impor-  
10      tant.

11          (6) Congress can enhance the resources avail-  
12      able for national park operations and ensure ade-  
13      quate oversight over Park Service spending by re-  
14      moving from the appropriations process a series of  
15      funding responsibilities that are outside the core op-  
16      erating budgets for the national parks.

17      (b) PURPOSE.—The purpose of this Act is to elimi-  
18   nate the annual operating deficit and the maintenance  
19   backlog in the national parks by the centennial anniver-  
20   sary of the National Park System by enabling Congress  
21   to focus on overseeing and fully funding the core oper-  
22   ations of the national parks in the annual appropriations  
23   process.

1       **TITLE I—CENTENNIAL FUND**

2       **SEC. 101. CENTENNIAL FUND FOR PRESERVING AMERICA'S**  
3               **NATIONAL PARKS.**

4           (a) **ESTABLISHMENT.**—There is established in the  
5 Treasury a fund which shall be known as the “National  
6 Park Centennial Fund”, hereinafter in this Act referred  
7 to as the “Centennial Fund”. In each fiscal year beginning  
8 in fiscal year 2006, the Secretary of the Treasury shall  
9 deposit into the Centennial Fund amounts set forth in  
10 subsection (b) sufficient to fund the programs identified  
11 in titles II, III, and IV.

12          (b) **APPROPRIATIONS.**—There are hereby appro-  
13 priated to the Centennial Fund in each fiscal year, the  
14 following amounts:

15           (1) Amounts equivalent to the amounts des-  
16 ignated in the taxable year ending in the fiscal year  
17 concerned under section 6097 of the Internal Rev-  
18 enue Code of 1986.

19           (2) Any additional amounts necessary to make  
20 the total amounts deposited to the Centennial Fund  
21 each fiscal year equal to the total amount listed in  
22 section 103.

1 **SEC. 102. DESIGNATION OF OVERPAYMENTS AND CON-**  
 2 **TRIBUTIONS FOR THE BENEFIT OF UNITS OF**  
 3 **THE NATIONAL PARK SYSTEM.**

4 (a) IN GENERAL.—Subchapter A of chapter 61 of the  
 5 Internal Revenue Code of 1986 is amended by adding at  
 6 the end the following new part:

7 **“PART IX—DESIGNATION OF OVERPAYMENTS**  
 8 **AND CONTRIBUTIONS FOR THE BENEFIT OF**  
 9 **UNITS OF THE NATIONAL PARK SYSTEM**

“PART IX—DESIGNATION OF OVERPAYMENTS AND CONTRIBUTIONS FOR THE  
 BENEFIT OF UNITS OF THE NATIONAL PARK SYSTEM

“Sec. 6097. Designation.

10 **“SEC. 6097. DESIGNATION.**

11 “(a) IN GENERAL.—In the case of an individual, with  
 12 respect to each taxpayer’s return for the taxable year of  
 13 the tax imposed by chapter 1, such taxpayer may des-  
 14 ignate that—

15 “(1) a specified portion (but not less than \$1)  
 16 of any overpayment of tax for such taxable year, and

17 “(2) any cash contribution which the taxpayer  
 18 includes with such return,

19 shall be used for the benefit of units of the National Park  
 20 System.

21 “(b) MANNER AND TIME OF DESIGNATION.—A des-  
 22 ignation under subsection (a) may be made with respect  
 23 to any taxable year only at the time of filing the return

1 of the tax imposed by chapter 1 for such taxable year.  
 2 Such designation shall be made in such manner as the  
 3 Secretary prescribes by regulations except that such des-  
 4 ignation shall be made either on the first page of the re-  
 5 turn or on the page bearing the taxpayer's signature.

6       “(c) OVERPAYMENTS TREATED AS REFUNDED.—For  
 7 purposes of this title, any portion of any overpayment of  
 8 tax designated under subsection (a) shall be treated as  
 9 being refunded to the taxpayer as of the last date pre-  
 10 scribed for filing the return of tax imposed by chapter 1  
 11 (determined without regard to extensions) or, if later, the  
 12 date the return is filed.”.

13       (b) CLERICAL AMENDMENT.—The table of parts for  
 14 subchapter A of chapter 61 of such Code is amended by  
 15 adding at the end thereof the following new item:

“Part IX. Designation of overpayments and contributions for the benefit of  
 units of the National Park System.”.

16       (c) EFFECTIVE DATE.—The amendments made by  
 17 this section shall apply to taxable years beginning after  
 18 December 31, 2005.

19 **SEC. 103. PROGRAM ALLOCATION.**

20       (a) ANNUAL DEPOSITS.—There shall be deposited in  
 21 the Centennial Fund from amounts designated under sec-  
 22 tion 6097 of the Internal Revenue Code of 1986 (and from  
 23 the General Fund of the Treasury to the extent the  
 24 amounts so designated are less than the total amounts

1 specified in this section for the fiscal year concerned),  
2 \$150,000,000 for fiscal year 2006 and, for each suc-  
3 ceeding fiscal year through fiscal year 2016, an amount  
4 equal to 15 percent above the amount deposited the prior  
5 fiscal year. Such amounts shall, without further appro-  
6 priation, be available to the Secretary of the Interior until  
7 expended.

8 (b) SUNSET.—Effective October 1, 2016, titles II,  
9 III, and V of this Act shall expire, after which time re-  
10 ceipts generated from section 6097 of the Internal Rev-  
11 enue Code of 1986 shall be used to supplement annual  
12 appropriations for base operations of the individual na-  
13 tional parks.

14 **SEC. 104. PATRIOTS FOR NATIONAL PARKS.**

15 There are hereby authorized to be appropriated to the  
16 Secretary of the Interior such sums as necessary for a  
17 public awareness campaign about the existence of the Cen-  
18 tennial Fund and the ability of taxpayers to contribute  
19 to it through the tax checkoff created in section 6097 of  
20 the Internal Revenue Code of 1986.

1 **TITLE II—ELIMINATING THE NA-**  
2 **TIONAL PARK MAINTENANCE**  
3 **BACKLOG**

4 **SEC. 201. BACKLOG ELIMINATION.**

5 (a) IN GENERAL.—Sixty percent of the funds depos-  
6 ited into the Centennial Fund shall be used to eliminate  
7 the backlog of unmet needs in the national parks, as iden-  
8 tified in the Facility Condition Index (hereinafter in this  
9 Act referred to as the “FCI”) of the National Park Serv-  
10 ice.

11 (b) PRIORITIES.—(1) The Secretary of the Interior  
12 shall prepare, as part of the annual budget proposal, a  
13 priority list of projects to be funded under this section.  
14 Moneys shall be made available from the Centennial Fund,  
15 without further appropriation, effective October 15 of each  
16 calendar year, for the projects identified on the priority  
17 list.

18 (2) In preparing the list of projects to be funded  
19 under this section, the Secretary of the Interior shall give  
20 priority to projects that—

21 (A) are identified in the general management  
22 plan of a national park;

23 (B) are listed in the FCI;

24 (C) are identified by the Secretary of the Inte-  
25 rior as necessary to prevent immediate damage to

1 the natural, cultural, or historic resources with a na-  
 2 tional park, with priority given to projects with the  
 3 most significant benefit to conservation of resources  
 4 or visitor education; and

5 (D) are identified as necessary to promote pub-  
 6 lic health and safety.

7 (c) OVERHEAD.—National parks undertaking  
 8 projects under this section may allocate not more than 8  
 9 percent of the funds for such projects for oversight of such  
 10 projects and other associated overhead responsibilities.

## 11 **TITLE III—PROTECTING** 12 **NATURAL WONDERS**

### 13 **SEC. 301. NATURAL RESOURCE CHALLENGE.**

14 (a) NATURAL RESOURCE PROTECTION.—Twenty  
 15 percent of the funds deposited into the Centennial Fund  
 16 shall be used to protect natural resources within national  
 17 parks.

18 (b) PROJECT DESCRIPTION.—The Secretary of the  
 19 Interior shall prepare, as part of the annual budget pro-  
 20 posal, a description of projects to be funded under this  
 21 section. Moneys shall be made available from the Centen-  
 22 nial Fund, without further appropriation, effective Octo-  
 23 ber 15 of each calendar year for projects that include each  
 24 of the following:

25 (1) Natural resource inventories.

1           (2) Monitoring efforts including air and water  
2           quality monitoring.

3           (3) Protection of native and endangered species  
4           and their habitats.

5           (4) Control of nonnative species.

6           (5) Resource planning.

7           (6) Increased collaboration with scientists.

8           (7) Authorized environmental restoration  
9           projects.

10          (8) Use of national parks for learning, includ-  
11          ing visitor education and interpretation.

12          (9) Establishment of partnerships with nonpark  
13          entities for the purpose of leveraging Federal funds  
14          allocated to natural resource protection.

## 15           **TITLE IV—PROTECTING** 16           **NATIONAL TREASURES**

### 17   **SEC. 401. CULTURAL RESOURCE CHALLENGE.**

18          (a) CULTURAL RESOURCES.—Twenty percent of the  
19          funds deposited into the Centennial Fund shall be used  
20          to protect cultural resources within national parks.

21          (b) PROJECT DESCRIPTION.—The Secretary of the  
22          Interior shall prepare, as part of the annual budget pro-  
23          posal, a description of projects to be funded under this  
24          section. Moneys shall be made available from the Centen-  
25          nial Fund, without further appropriation, effective Octo-

ber 15 of each calendar year, for activities that include each of the following:

(1) Cultural or historic resources not listed on the FCI.

(2) Documenting and preserving archaeological sites.

(3) Preserving collections and archives.

(4) Ethnographic activities.

(5) Evaluating and protecting cultural landscapes.

(6) Use of national parks for learning, including visitor education and interpretation.

(7) Establishment of partnerships with non-park entities for the purpose of leveraging Federal funds allocated to cultural resource protection.

## **TITLE V—MEETING ANNUAL OPERATING NEEDS**

### **SEC. 501. PROGRESS ON ANNUAL APPROPRIATIONS.**

(a) GAO REPORT.—The General Accounting Office biennially shall submit to the Committee on Appropriations, Committee on Government Reform, and Committee on Resources of the United States House of Representatives and to the Committee on Appropriations, Committee on Government Affairs, and Committee on Energy and

1 Natural Resources of the United States Senate a report  
2 that describes each of the following:

3 (1) The progress of Congress in eliminating the  
4 annual operating fund deficit in the National Park  
5 System, defined as in excess of \$600,000,000 based  
6 on a fiscal year 2002 estimate of then-complete na-  
7 tional park business plans, and a projection of when  
8 such deficit will be eliminated, based on funding lev-  
9 els and trends.

10 (2) A comparison of business plan estimates of  
11 national park needs versus actual funds appro-  
12 priated to such national parks.

13 (3) Any differences in the National Park Serv-  
14 ice's business plan methodology for the estimate in  
15 paragraph (2) of this subsection compared to that  
16 used in fiscal year 2003.

17 (4) Management improvement measures under-  
18 taken by individual park units and by the National  
19 Park Service as a whole, including actual realized  
20 savings and actual impact on visitor services and re-  
21 source protection.

22 (5) Adjustments in, and the total number of,  
23 full-time equivalent and actual positions dedicated to  
24 resource protection, visitor services, interpretation,  
25 and other employment categories.

1           (6) Any adjustments made in service to the  
2           public, including but not limited to adjustments to  
3           visitor center hours and the number or quality of  
4           ranger-led tours.

5           (7) Any changes in the National Park Service's  
6           level of effort due to partnership or other leveraged  
7           activities.

8           (8) Any new requirements and assessments  
9           placed on the national parks for unbudgeted ex-  
10          penses, including, but not limited to, homeland secu-  
11          rity, natural disasters, and employee cost-of-living  
12          adjustments.

13          (9) An assessment of the accuracy and com-  
14          pleteness of the Facility Condition Index described  
15          in title I of this Act, including adjustments made to  
16          such Index on an annual basis.

17          (b) BUSINESS PLAN IMPLEMENTATION DEMONSTRA-  
18          TION PROGRAM.—In consultation with the Director of the  
19          National Park Service, at least 60 percent of the amounts  
20          provided under titles II, III, and IV shall be distributed  
21          to national parks that have completed comprehensive busi-  
22          ness plans under the Business Plan Initiative of the Na-  
23          tional Park Service.

24          (c) EDUCATION AND THE NATIONAL PARKS.—The  
25          Secretary of Education is hereby authorized to provide

1 grants to elementary and secondary schools to enter into  
2 cooperative agreements with the National Park Service for  
3 the purpose of distance learning and onsite education pro-  
4 grams for the following purposes:

5           (1) Connecting students to the history of our  
6       Nation through the national parks.

7           (2) Using the national parks to facilitate sci-  
8       entific instruction.

9       (d) INTENT OF CONGRESS TO SUPPLEMENT ANNUAL  
10 APPROPRIATIONS FOR NATIONAL PARK SERVICE.—  
11 Amounts made available by this Act are intended by the  
12 Congress to supplement, and not detract from, annual ap-  
13 propriations for the National Park Service.

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